

SENATE BILL 251

J1

9lr1022

By: **Senators Lam, Feldman, Hayes, and Kelley**

Introduced and read first time: January 25, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Treatment for the Prevention of HIV – Consent by Minors**

3 FOR the purpose of providing that a minor has the same capacity as an adult to consent to
4 treatment for the prevention of human immunodeficiency virus (HIV); prohibiting a
5 licensed health care practitioner from giving certain information about treatment
6 needed by a minor or provided to a minor to certain individuals under certain
7 circumstances; and generally relating to consent to medical treatment by minors.

8 BY repealing and reenacting, with amendments,

9 Article – Health – General

10 Section 20–102

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2018 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 20–102.

17 (a) A minor has the same capacity as an adult to consent to medical or dental
18 treatment if the minor:

19 (1) Is married;

20 (2) Is the parent of a child; or

21 (3) (i) Is living separate and apart from the minor’s parent, parents, or
22 guardian, whether with or without consent of the minor’s parent, parents, or guardian; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Is self-supporting, regardless of the source of the minor's income.

2 (b) A minor has the same capacity as an adult to consent to medical treatment if,
3 in the judgment of the attending physician, the life or health of the minor would be affected
4 adversely by delaying treatment to obtain the consent of another individual.

5 (c) A minor has the same capacity as an adult to consent to:

6 (1) Treatment for or advice about drug abuse;

7 (2) Treatment for or advice about alcoholism;

8 (3) Treatment for or advice about venereal disease;

9 (4) Treatment for or advice about pregnancy;

10 (5) Treatment for or advice about contraception other than sterilization;

11 (6) Physical examination and treatment of injuries from an alleged rape or
12 sexual offense;

13 (7) Physical examination to obtain evidence of an alleged rape or sexual
14 offense; [and]

15 (8) Initial medical screening and physical examination on and after
16 admission of the minor into a detention center; AND

17 **(9) TREATMENT FOR THE PREVENTION OF HUMAN**
18 **IMMUNODEFICIENCY VIRUS (HIV).**

19 (c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism
20 under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment
21 for drug abuse or alcoholism in an inpatient or intensive outpatient alcohol or drug abuse
22 treatment program certified under Title 8 of this article for which a parent or guardian has
23 given consent.

24 (d) A minor has the same capacity as an adult to consent to psychological
25 treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of
26 the attending physician or a psychologist, the life or health of the minor would be affected
27 adversely by delaying treatment to obtain the consent of another individual.

28 (e) A licensed health care practitioner who treats a minor is not liable for civil
29 damages or subject to any criminal or disciplinary penalty solely because the minor did not
30 have capacity to consent under this section.

31 (f) Without the consent of or over the express objection of a minor, a licensed
32 health care practitioner may, but need not, give a parent, guardian, or custodian of the

1 minor or the spouse of the parent information about treatment needed by the minor or
2 provided to the minor under this section, except information about [an]:

3 **(1) AN abortion; OR**

4 **(2) TREATMENT FOR THE PREVENTION OF HUMAN**
5 **IMMUNODEFICIENCY VIRUS (HIV).**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.